

SENATE, No. 1199

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:
Senator THOMAS H. KEAN, JR.
District 21 (Morris, Somerset and Union)

SYNOPSIS

Expands domestic violence protection for adoptive parents.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of
11 the following acts inflicted upon a person protected under this act
12 by an adult or an emancipated minor:

13 (1) Homicide N.J.S.2C:11-1 et seq.

14 (2) Assault N.J.S.2C:12-1

15 (3) Terroristic threats N.J.S.2C:12-3

16 (4) Kidnapping N.J.S.2C:13-1

17 (5) Criminal restraint N.J.S.2C:13-2

18 (6) False imprisonment N.J.S.2C:13-3

19 (7) Sexual assault N.J.S.2C:14-2

20 (8) Criminal sexual contact N.J.S.2C:14-3

21 (9) Lewdness N.J.S.2C:14-4

22 (10) Criminal mischief N.J.S.2C:17-3

23 (11) Burglary N.J.S.2C:18-2

24 (12) Criminal trespass N.J.S.2C:18-3

25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 (15) Criminal coercion N.J.S.2C:13-5

28 (16) Robbery N.J.S.2C:15-1

29 (17) Contempt of a domestic violence order pursuant to
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
31 persons offense

32 (18) Any other crime involving risk of death or serious bodily
33 injury to a person protected under the "Prevention of Domestic
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

35 When one or more of these acts is inflicted by an unemancipated
36 minor upon a person protected under this act, the occurrence shall
37 not constitute "domestic violence," but may be the basis for the
38 filing of a petition or complaint pursuant to the provisions of
39 section 11 of P.L.1982, c.77 (C.2A:4A-30).

40 b. "Law enforcement agency" means a department, division,
41 bureau, commission, board or other authority of the State or of any
42 political subdivision thereof which employs law enforcement
43 officers.

44 c. "Law enforcement officer" means a person whose public
45 duties include the power to act as an officer for the detection,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 apprehension, arrest and conviction of offenders against the laws of
2 this State.

3 d. "Victim of domestic violence" means a person protected
4 under this act and shall include any person who is 18 years of age or
5 older or who is an emancipated minor and who has been subjected
6 to domestic violence by a spouse, former spouse, or any other
7 person who is a present household member or was at any time a
8 household member. "Victim of domestic violence" also includes:

9 (1) any person, regardless of age, who has been subjected to
10 domestic violence by a person with whom the victim has a child in
11 common, or with whom the victim anticipates having a child in
12 common, if one of the parties is pregnant. ["Victim of domestic
13 violence" also includes]

14 (2) any person who has been subjected to domestic violence by
15 a person with whom the victim has had a dating relationship; and

16 (3) any parent of an adopted child who has been subjected to
17 domestic violence by a person whose parental rights towards the
18 adopted child have been terminated.

19 e. "Emancipated minor" means a person who is under 18 years
20 of age but who has been married, has entered military service, has a
21 child or is pregnant or has been previously declared by a court or an
22 administrative agency to be emancipated.

23 (cf: P.L.2015, c.98, s.2)

24
25 2. This act shall take effect on the first day of the second month
26 following enactment.

27 28 29 STATEMENT

30
31 This bill amends the definition of "victim of domestic violence"
32 in the "Prevention of Domestic Violence Act of 1991," P.L.1991,
33 c.261 (C.2C:25-17 et al.), to include as a victim any parent of an
34 adopted child who has been subjected to domestic violence by a
35 person whose parental rights towards the adopted child have been
36 terminated. This change would provide an adoptive parent with the
37 statutory protections afforded by the "Prevention of Domestic
38 Violence Act of 1991," which can include, *inter alia*, the filing and
39 receipt of temporary and final restraining orders against the
40 perpetrator, forbidding the perpetrator from possessing any firearm
41 or other weapon, and monetary compensation stemming from the
42 perpetrator's act of domestic violence.

43 As set forth in the current law (section 3 of P.L.1991, c.261
44 (C.2C:25-19)), domestic violence includes any of the following
45 offenses:

- 46 • Homicide N.J.S.2C:11-1 et seq.
- 47 • Assault N.J.S.2C:12-1
- 48 • Terroristic threats N.J.S.2C:12-3

- 1 • Kidnapping N.J.S.2C:13-1
- 2 • Criminal restraint N.J.S.2C:13-2
- 3 • False imprisonment N.J.S.2C:13-3
- 4 • Sexual assault N.J.S.2C:14-2
- 5 • Criminal sexual contact N.J.S.2C:14-3
- 6 • Lewdness N.J.S.2C:14-4
- 7 • Criminal mischief N.J.S.2C:17-3
- 8 • Burglary N.J.S.2C:18-2
- 9 • Criminal trespass N.J.S.2C:18-3
- 10 • Harassment N.J.S.2C:33-4
- 11 • Stalking P.L.1992, c.209 (C.2C:12-10)

12

13 Thus, an adoptive parent who was subjected to one or more of

14 these offenses by a person whose parental rights toward the adopted

15 child were terminated could, as established by the bill, receive

16 protections under the “Prevention of Domestic Violence Act of

17 1991.”